

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

VIKTOR BOUT, :

Defendant. :

**SEALED
AFFIRMATION
AND APPLICATION**

08 Cr. 365

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George D. Turner hereby affirms under penalty of perjury that he is an Assistant United States Attorney for the Southern District of New York, and states as follows:

1. On or about April 24, 2008, a grand jury in this District returned Indictment 08 Cr. 365 (SAS), which charged VIKTOR BOUT (“BOUT”) with (i) conspiracy to kill U.S. nationals, in violation of 18 U.S.C. § 2332(b) (Count One); (ii) conspiracy to kill officers and employees of the United States, in violation of 18 U.S.C. §§ 1114 and 1117 (Count Two); (iii) conspiracy to acquire and use anti-aircraft missiles, in violation of 18 U.S.C. § 2332g (Count Three); and (iv) conspiracy to provide material support and resources to a foreign terrorist organization, in violation of 18 U.S.C. § 2339B (Count Four). (Dkt. 5).

2. On or about November 2, 2011, BOUT was convicted of Counts One through Four of the Indictment after a jury trial. (Dkt. Minute Entry, Nov. 2, 2011).

3. On or about April 9, 2012, BOUT was sentenced principally to 25 years’ imprisonment. (Dkt. 94).

4. BOUT is currently serving his sentence at USP Marion in Marion, Illinois (“USP Marion”). BOUT’s Bureau of Prisons (“BOP”) Register Number is 91641-054.

5. The Government respectfully seeks, based on significant foreign policy interests of the United States, an Order enabling the U.S. Marshals Service (“USMS”) to take BOUT out of USP Marion as early as December 2, 2022, or any day thereafter until December 16, 2022; to maintain custody of BOUT unless and until the President of the United States executes the clemency power under Article II of the U.S. Constitution with respect to BOUT, which the undersigned understands to be under consideration based on communications with the National Security Division of the Department of Justice; and to return BOUT to USP Marion on or before December 16, 2022, unless the President executes the clemency power with respect to BOUT during the period in which the USMS has custody of BOUT.

WHEREFORE, the Government respectfully requests that the attached Order be issued requiring the BOP and the Warden of USP Marion to allow the USMS to remove BOUT from USP Marion on December 2, 2022, or any day thereafter until December 16, 2022. The Government further requests that in order to avoid frustrating the aforementioned foreign policy interests, and to ensure the safety and security of the USMS personnel taking custody of BOUT, this Affirmation and accompanying Order be maintained under seal, and the docketing of any entries related to this matter be delayed, until either 24 hours after the release of BOUT from USMS custody, or when BOUT is returned to USP Marion on or before December 16, 2022, whichever occurs earlier. The Government will promptly advise the Court upon the occurrence of either event.

Dated: New York, New York
November 29, 2022

/s/ George D. Turner
George D. Turner
Assistant United States Attorney
(212) 637-2562

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

VIKTOR BOUT, :

Defendant. :

**SEALED
ORDER**

08 Cr. 365

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Upon the application of Damian Williams, United States Attorney for the Southern District of New York, by George D. Turner, Assistant United States Attorney, made to this Court by Affirmation dated November 29, 2022, and pursuant to the All Writs Act, 28 U.S.C. § 1651, it is hereby

ORDERED that:

1. The Bureau of Prisons (“BOP”), and the Warden of USP Marion in Marion, Illinois (“USP Marion”), shall allow personnel of the U.S. Marshals Service (“USMS”) to remove VIKTOR BOUT (“BOUT”) (BOP Register Number 91641-054) from USP Marion on December 2, 2022, or any day thereafter until December 16, 2022.

2. The USMS shall keep BOUT in its custody, and shall be responsible for the safekeeping and welfare of BOUT, unless and until the President of the United States executes the clemency power under Article II of the U.S. Constitution with respect to BOUT.

3. The USMS shall return BOUT to USP Marion on or before December 16, 2022, unless the President executes the clemency power with respect to BOUT during the period in which the USMS has custody of BOUT.

4. This Order and underlying Affirmation shall be maintained under seal, and the docketing of any entries related to this matter shall be delayed, until either 24 hours after the release of BOUT from USMS custody, or when BOUT is returned to USP Marion on or before December 16, 2022, whichever occurs earlier. The Government shall promptly advise the Court upon the occurrence of either event.

Dated: New York, New York
November 29, 2022

A handwritten signature in blue ink, appearing to read 'V. Marrero', is positioned above a horizontal line.

HONORABLE VICTOR MARRERO
UNITED STATES DISTRICT JUDGE (PART 1)
SOUTHERN DISTRICT OF NEW YORK